local and tribal governments to perform certain actions and also may ultimately lead to the private sector being required to perform certain duties. To the extent that the rules and commitments being proposed for approval by this action will impose or lead to the imposition of any mandate upon the State, local or tribal governments either as the owner or operator of a source or as a regulator, or would impose or lead to the imposition of any mandate upon the private sector, EPA's action will impose no new requirements; such sources are already subject to these requirements under State law. Accordingly, no additional costs to State, local, or tribal governments, or to the private sector, result from this action. Therefore, the USEPA has determined that this action does not include a mandate that may result in estimated costs of $100 million or more to State, local, or tribal governments in the aggregate or to the private sector.

List of Subjects

40 CFR Part 52

Air pollution control, Nitrogen dioxide, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

40 CFR Part 81

Air pollution control.

Authority: 42 U.S.C. 7401–7671(q).

Dated: June 7, 1995.

Valdas V. Adamkus,

Regional Administrator.

[FR Doc. 95–14685 Filed 6–14–95; 8:45 am]

BILLING CODE 6560–50–P

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40 CFR Part 300

[FRL–5220–9]

National Oil and Hazardous Substances Pollution Contingency Plan; National Priorities List

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of intent to delete flowood site from the National Priorities List (NPL): Request for comments.

SUMMARY: EPA, Region IV (EPA) announces its intent to delete the Flowood Site from the NPL and requests public comment on this proposed action. The NPL constitutes Appendix B of 40 CFR Part 300 which is the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), which EPA promulgated pursuant to Section 105 of the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (CERCLA). EPA and the State of Mississippi (State) have determined that all appropriate CERCLA actions have been implemented and that no further cleanup by responsible parties is appropriate. Moreover, EPA and the state have determined that remedial activities conducted at the site to date have been protective of public health, welfare, and the environment.

DATES: Comments concerning the proposed deletion of this Site will be accepted until July 17, 1995.

ADDRESSES: Comments may be mailed to: Lt. Mark A. Marshall, USPHS, Remedial Project Manager, South Superfund Remedial Branch, Waste Management Division, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, GA 30365.

Comprehensive information on this Site is available through the EPA Region IV public docket, which is located at EPA's Region IV office and is available for viewing by appointment only from 9:00 a.m. to 4:00 p.m., Monday through Friday, excluding holidays. Requests for appointments or copies of the background information from the regional public docket should be directed to the EPA Region IV Docket Office.

The address for the Regional Docket Office is: Ms. Debbie Jourdan, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, Telephone No.: (404) 347–2930.

Background information from the regional public docket is also available for viewing at the Site information repository located at the following address: Pearl Public Library, 3470 Highway 80 East, Pearl, Mississippi 39208, telephone No.: (601) 932–2562.

FOR FURTHER INFORMATION CONTACT: Lt. Mark A. Marshall, USPHS, Remedial Project Manager, U.S. Environmental Protection Agency, Region IV, 345 Courtland Street, NE., Atlanta, Georgia 30365, (404) 347–2643 ext. 6271.

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

EPA announces its intent to delete the Flowood Site in Rankin County, Mississippi from the National Priorities List (NPL) which constitutes Appendix B on the National Oil and Hazardous Substances Pollution Contingency Plan (NCP), and requests comments on this proposed deletion. EPA identifies sites that appear to present a significant risk to public health, welfare, or the environment and maintains the NPL as the list of those sites. Sites on the NPL may be the subject of remedial actions financed by the Hazardous Substances Superfund Response Trust Fund (Fund). Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action. EPA will accept comments concerning this Site for thirty (30) calendar days after publication of this notice in the **Federal Register**.

Section II of this notice explains the criteria for the deletion of sites from the NPL. Section III discusses procedures that EPA is using for this action. Section IV discusses how the Site meets the deletion criteria.

II. NPL Deletion Criteria

The NCP establishes the criteria that the EPA uses to delete sites from the NPL. In accordance with 40 CFR 300.425(e), releases may be deleted from the NPL where no further response is appropriate. In making this determination, EPA will consider, in consultation with the State, whether any of the following criteria have been met:

(i) Responsible parties or other persons have implemented all appropriate response actions required; or

(ii) All appropriate Fund-financed response under CERCLA has been implemented, and no further response action by responsible parties is appropriate; or

(iii) The remedial investigation has determined that the release poses no significant threat to public health or the environment and, therefore, taking or remedial measures is not appropriate.

Pursuant to § 300.425(e)(3) of the NCP, any site deleted from the NPL remains eligible for Fund-financed Remedial Actions in the event that conditions at the site warrant such action.

III. Deletion Procedures

EPA will accept and evaluate public comments before making a final decision to delete. Comments from the local community may be the most pertinent to deletion decisions. The following procedures were used for the intended deletion of this Site:

(1) EPA has recommended deletion and has prepared the relevant documents.

(2) The State has concurred with the deletion decision.

(3) A local notice has been published in local newspapers and has been distributed to appropriate federal, state, and local officials, and other interested parties.

(4) EPA has made all relevant documents available in the Regional Office and local site information repository.

Deletion of a site from the NPL does not itself, create, alter, or revoke any individual rights or obligations. The NPL is designated primarily for information purposes and to assist EPA management. As mentioned in Section II of this Notice, 40 C.F.R. 300.425(e)(3) states that deletion of a site from the NPL does not preclude eligibility for future Fund-financed response actions.

Any comments received during the notice and comment period will be evaluated before the final decision to delete. EPA will prepare a Responsiveness Summary, if necessary, which will address any comments received during the public comment period.

A deletion occurs after the EPA Region IV Regional Administrator places a notice in the **Federal Register**. The NPL will reflect any deletions in the next final update. Public notices and copies of the Responsiveness Summary will be made available to local residents by Region IV.

IV. Basis for Intended Site Deletion

The Flowood Superfund Site (''Site'') is located in the town of Flowood, Rankin County, Mississippi along Highway 468 on the east side of the Pearl River, east of Jackson, Mississippi. The site encompasses approximately 225 acres and consists mostly of wetlands and lowlands in the alluvial plain of the Pearl River. The Site is separated from the river by two levees. Two manufacturing facilities have operated at the Flowood site since the 1940's or longer. The Continental Forest Company owned the northern part of the property from 1956 to 1983 when the facility was purchased by the present owner, the Stone Container Corporation. The facility to the south, currently the Rival Manufacturing Company, has been used to manufacture stoneware cooking pots since the 1970's. The past owner, The Marmon Group, used the facility from the 1950's through the early 1970's to manufacture ceramic tiles. The United Gas Pipe Line Company also owns a portion of the Site. The Site consisted of wastewater discharge areas and downstream areas adjacent to the two manufacturing facilities. The immediate area of the site included a borrow pit (Lake Marie), a canal used as a discharge area, and other undeveloped land areas adjacent to the plant sites.

State environmental officials became aware of the presence of hazardous substances in an on-site canal during a routine industrial waste water inspection in the fall of 1982. In January 1983, the state reported the Site to EPA. EPA's investigation indicated that soils and sediments in five areas around the Site contained lead: the slough/canal area, the small drainage ditch, the wash area, the drainage ditch/Lake Marie area, and the cow pasture pond area. At the request of the Mississippi Department of Environmental Quality (MDEQ), the Site was placed on the NPL in September 1983. The Marmon Group entered into a consent Agreement with EPA in 1986 to conduct the Remedial Investigation (RI) and Feasibility Study (FS) for the site to determine the nature and extent of lead contamination and evaluated various remedial alternatives to reduce any risks posed by the contamination.

After reviewing the results of the RI/FS, EPA selected a remedy to address lead contamination at the Site and issued a Record of Decision (ROD) for the Site on September 30, 1988. The selected remedy included the following components: excavating and solidifying/stabilizing 6,000 cubic yards of lead-contaminated soils sediments; no remedial action for groundwater; backfilling treated materials into the slough/canal area; covering, regrading, and reseeding the area; and, groundwater monitoring. EPA and the Potentially Responsible Parties (PRP), The Marmon Corporation, Rival Manufacturing Company, United Gas Pipe Line Company and Kiewit Continental Inc. entered into a Consent Decree in February 1990 for the PRP to design and implement the cleanup remedy. The PRP began remedial design in February 1990 and EPA approved the final design of the remedy on August 9, 1991.

Based on design data developed by the PRP prior to the final design, EPA found that changes to the selected remedy were necessary. EPA implemented an Explanation of Significant Differences (ESD) in September 1990 which included two modifications to EPA's selected remedy based on treatability studies and confirmatory sampling conducted during the Remedial Design. The first modification required a change in the location of the on-site disposal area (the Material Placement Area) due to the discovery of additional volumes of contaminated material in the Rival Plant backyard and other areas. The additional volumes required location of a new on-site disposal area to accommodate the volume. The second modification required the use of an interim measures waiver of Applicable or Relevant and Appropriate Requirements (ARARs) which temporarily waives the RCRA requirement that hazardous waste must be contained in a Subtitle C facility. This waiver was necessary because treatability testing during the design revealed that the treatment process might not render the final product non-RCRA characteristic until after a period of time.

A community relations program was implemented during the course of the RI/FS. In June 1985, the community relations plan was finalized. An information repository was established in June at the Pearl Public Library. A press release providing an opportunity for a public meeting and information on the opening of the public comment period was issued in May 1988. The public comment for the proposed plan was held from May 18, 1988 through June 22, 1988. There was no public meeting because the public did not show an interest in having a public meeting.

The Remedial Action objective for the site was to eliminate potential health hazards due to the presence of lead at the Site. Current and potential routes of exposure at the Site include ingestion of contaminated soil, fish and groundwater by humans and ingestion of contaminated surface waters by cattle. Based on the risks associated with exposure to soil in the pathways identified, a protective level of 500 mg/kg of lead was established. Groundwater sampling did not show impact to groundwater for the waste material; therefore, cleanup goals for the groundwater were not established. EPA determined that groundwater monitoring in the stabilized material placement area would measure the effectiveness of the stabilization. The remediation of the contaminated soil and contaminated sediments to 500 mg/kg would alleviate future impacts to surface water.

The Remedial Design was approved on August 9, 1991. As part of the design, a treatability study was conducted. The results of the treatability study are contained in the Remedial Design report.

Additional work was required for the excavation of lake sediments in Lake Marie; therefore, the completion of the remedial construction activities were implemented in two phases. On April 2, 1993, EPA, MDEQ, and the PRP conducted a Prefinal Construction Inspection for Phase I of the Remedial Action. A Prefinal Inspection for the Phase II Remedial Action was conducted on July 20, 1993. Neither the Phase I nor Phase II Prefinal Inspections revealed any significant items remaining to be completed or corrected.

To prevent a future use of the property which could disturb the integrity of the containment of contamination provided by the building slabs, institutional controls have been imposed on those areas of concern. These institutional controls take the form of deed restrictions which are in addition to those imposed on the Material Placement Area (MPA). These deed restrictions will insure that the remedy remains protective of human health and the environment. Remedial activities were conducted as planned. No additional areas of contamination were identified beyond the discovery of contained contaminated soils beneath structures in the Rival Back Yard (RBY) and the expansion of other areas containing lead contaminated soils and sediments, and the sediments in Lake Marie. The remedial action which was finalized in accordance with the ROD and the Consent Decree put into place deed restrictions in the areas of concern in the RBY and the Material Placement Area.

The Remedial Design and the Remedial Action were carefully reviewed by EPA and MDEQ for compliance with all requirements of the ROD and with all applicable Quality Assurance/Quality Control (QA/QC) procedures and protocol.

All procedures and protocols followed for soil and sediment sampling analysis during the Post-remediation verification sampling are documented in the Post Remediation Verification Sampling Plan. This sampling plan is contained in the Construction Management Plan dated May 8, 1992, as was modified in the field. A Quality Assurance Project Plan (QAPP) was prepared, consistent with the requirements of EPA's Interim Guidelines and Specifications for preparing Quality Assurance Project Plans (QAM–005/80), and in conjunction with the design documents. This QAPP was later modified and used to implement the Remedial Action.

The QA/QC program utilized throughout the Remedial Action was acceptable and enabled EPA and MDEQ to determine that the testing results reported were accurate to the degree needed to assure satisfactory execution of the Remedial Action and consistent with the ROD.

The verification sampling performed across the site have indicated that all cleanup levels have been achieved and the construction was completed consistent with the ROD and design plans and specifications. Throughout the construction, the U.S. Army Corps of Engineers (COE) provided oversight of the Remedial Action on behalf of EPA. The COE conducted frequent inspections of all site construction activities and submitted written monthly reports that described the results of its inspections.

Laboratory results have indicated that the remedy has achieved performance standards and met the cleanup levels established in the ROD. Interpretation of this analytical data indicate that the remedy has been constructed in accordance with the Remedial Design plans and specifications and is achieving the primary purpose of preventing human health risks from contamination of on-site soils and sediments.

As required by the Consent Decree (CD), the Settling Parties submitted the final Operation and Maintenance (O&M) Plan to EPA on November 12, 1993. The ROD requires that groundwater monitoring be performed quarterly for the first year. EPA will review the data and a decision will be made on the frequency of monitoring for the subsequent years.

Four groundwater monitoring wells were installed in and around the MPA. These wells will be used to monitor the long-term performance of the Material Placement Area on the quality of the groundwater. Samples from each monitoring well will be collected and analyzed for the lead (total lead). Statistical analysis will be employed to determine if the MPA is having an adverse affect on the area groundwater.

In accordance with EPA guidance, a five year review of this project is necessary to ensure continued protection of human health and the environment. The statutory five-year review will be conducted pursuant to guidance contained in OSWER Directive 9355.7–02, Structure and Components of the Five-Year Review. The five year time frame began on June 22, 1992, the Remedial Action contract award date. Therefore, the five year review should be completed on or before June 22, 1997.

EPA, with concurrence of the State, has determined that all appropriate Fund-financed responses under CERCLA at the Site have been completed, and that no further cleanup by responsible parties is appropriate. Therefore, it proposes to delete the Site from the NPL and requests public comments on the proposed deletion.

Dated: June 1, 1995.

Patrick M. Tobin,

Acting Regional Administrator.

[FR Doc. 95–14546 Filed 6–14–95; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL EMERGENCY MANAGEMENT AGENCY

44 CFR Part 65

RIN 3067–AC38

Review of Determinations for Required Purchase of Flood Insurance

AGENCY: Federal Emergency Management Agency (FEMA).

ACTION: Proposed rule.

SUMMARY: FEMA proposes to establish the procedures and process for its review of determinations of whether a building or mobile home is located in an identified Special Flood Hazard Area. The review process will provide an opportunity for borrowers and lenders of loans secured by improved real estate to resolve disputes regarding contested determinations.

DATES: We invite your comments on this proposed rule, which should be submitted on or before August 14, 1995.

ADDRESSES: Please send written comments to the Rules Docket Clerk, Office of the General Counsel, Federal Emergency Management Agency, 500 C Street SW., Washington, DC 20472, (facsimile) (202) 646–4536.

FOR FURTHER INFORMATION CONTACT: Michael K. Buckley, P.E., Chief, Hazard Identification Branch, Mitigation Directorate, 500 C Street SW., Washington, DC 20472, (202) 646–2756, (facsimile) (202) 646–4596 (not toll-free calls).

SUPPLEMENTARY INFORMATION: Section 102(e) of the Flood Disaster Protection Act of 1973, as amended by the National Flood Insurance Reform Act of 1994 (NFIRA) (42 U.S.C. 4012a(e)(3), states that the borrower and lender for a loan secured by improved real estate or a mobile home may jointly request FEMA to review a determination of whether the building or mobile home is located in an identified Special Flood Hazard Area (SFHA). Within 45 days after receiving the request, if all required supporting technical information is provided, FEMA would review the determination and provide to the borrower and the lender a letter stating, based on the information supplied, whether the building or mobile home is in an identified Special Flood Hazard Area. These procedures would be available to the borrower and the lender during the 45-day period after the borrower is notified that flood insurance is required. Only joint requests by both the lender and the borrower (requests accompanied by a letter signed by both parties) would be accepted under these procedures. Requests submitted more